REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Final Official Action. In the Final Official Action, claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by FUJITA et al. (U.S. Patent No. 6,517,213 B1). Claims 1, 2, 5, 7-10, and 15-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by LOWERY (U.S. Patent 6,504,301 B1). Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over FUJITA. Claims 6 and 11-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over LOWERY. Claims 1-16 are currently pending for consideration by the Examiner, with claim1 being the only independent claim.

Independent claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by FUJITA. With regard to independent claim 1, the Final Official Action asserts that FUJITA discloses a light emitting device using an LED chip (12) that includes a resin case (11) as a mounting substrate, a fluorescent plate (22) as a wavelength converting member, and a frame (13) as an emission control member, as illustrated in FUJITA's Figures 1-2. Applicants submit that while FUJITA's device superficially resembles Applicants' invention as recited in claim 1, there is at least one significant difference that distinguishes Applicants' claim 1 from FUJITA.

Claim 1 describes a specific configuration of the claim elements, which FUJITA fails to disclose. In particular, claim 1 includes an emission control member that is provided on the light output side of the wavelength converting member. Arranged in this specific configuration, the emission control member allows the emission of light coming from an area of the wavelength converting member that corresponds to the recess, and prevents the emission of light coming from an area of the wavelength converting member that corresponds to the edge area around the recess.

In distinct contrast, FUJITA's Figure 2 illustrates an exploded perspective view of the configuration of FUJITA's device that shows that FUJITA's emission control member (frame - 13) is not provided on the light output side of the wavelength converting member (fluorescent plate - 22). Thus, FUJITA's configuration fails to prevent the emission of light coming from an area of the wavelength converting member (fluorescent plate – 22) that corresponds to the edge area around the recess. Instead, FUJITA discloses in Figure 2 and the corresponding description of Figure 2 provided in column 9, lines 17-37, that the compound plate (20) is fit into the emission control member (frame – 13). Thus, after the device is assembled, the emission control member (frame – 13) is on the same level as the compound plate (20), including the wavelength converting member (fluorescent plate – 22). As a result, the emission control member (frame – 13) is positioned on the side faces of the wavelength converting member (fluorescent plate – 22).

In other words, for FUJITA's emission control member (frame – 13) to be provided on the light output side of the wavelength converting member (fluorescent plate – 22), FUJITA's emission control member (frame – 13) would need to be configured on top of the wavelength converting member (fluorescent plate – 22), like the frame member (14) positioned on top of the wavelength converting member (5) in Applicants' invention (see, for example, Applicants' Figure 2(b) in this application), not on the side faces of the wavelength converting member (fluorescent plate – 22).

As a result of FUJITA's different configuration, FUJITA's emission control member (frame – 13) fails to prevent the emission of light coming from an area of FUJITA's wavelength converting member (fluorescent plate – 22) that corresponds to the edge area around FUJITA's recess, since FUJITA fails to disclose the provision of anything on the light output side (top side) of the wavelength converting member (fluorescent plate – 22) that could prevent the emission of

light coming from the light output side (top side) of the wavelength converting member (fluorescent plate – 22).

In the Final Official Action's "Response to the Arguments" section, the Final Official Action points to FUJITA's Figure 1 and specification column 9, lines 29-35, for disclosing that FUJITA teaches that the wavelength converting member (22) is covered by the emission control member (13), which is contradictory to that illustrated in FUJITA's Figure 2. Contrary to this assertion, the cited portion of the specification is a description of the configuration of FUJITA's device that is consistent with the FUJITA's device illustrated in FUJITA's Figure 2, which is discussed above. This section of the Final Official Action then concludes that FUJITA's emission control member (13) will prevent light from being emitted from the area of the wavelength converting member (22) that corresponds to the edge area (the upper surface) of the mounting substrate (11) that the wavelength converting member (22) rests on. Applicants submit that this conclusion is also contradictory to FUJITA's Figure 2, since FUJITA's wavelength converting member (22) would be more accurately described as being on the same level as FUJITA's emission control member (13).

From the above discussion, Applicants submit that since FUJITA fails to disclose each and every feature recited in claim 1, FUJITA fails to anticipate claim 1. Thus, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn. Applicants also submit that claim 3 depends either directly or indirectly on independent claim 1 and is patentable for at least the reasons discussed above with respect to claim 1, and for the additional features recited therein.

Independent claim 1 along with depending claims 2, 5, 7-10, 15 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by LOWERY. With regard to independent claim 1, the

Final Official Action asserts that LOWERY discloses a light emitting device using an LED die (22) that includes a leadframe (30) as a mounting substrate, fluorescent plate (52) as a wavelength converting member, and a lens (54) as an emission control member, as illustrated in LOWERY's Figure 2. Applicants submit that while LOWERY's device has some similarities to Applicants' invention as recited in claim 1, there is at least one significant difference that distinguishes Applicants' claim 1 from LOWERY.

Claim 1 describes a specific configuration and corresponding function of the claim elements, which LOWERY fails to disclose. In particular, claim 1 includes an emission control member configured to allow the emission of light coming from an area of the wavelength converting member that corresponds to the recess and to prevent the emission of light coming from an area of the wavelength converting member that corresponds to the edge area around the recess, as illustrated, for example, in Applicants' Figure 1. Applicants submit that LOWERY fails to disclose an emission control member configured to prevent the emission of light coming from an area of the wavelength converting member that corresponds to the edge area around the recess.

In LOWERY's Figure 2, the edge area around the recess corresponds to the area where the wavelength converting member (fluorescent plate - 52) is larger in diameter than the inner diameter of region (50). Thus, in order for LOWERY's emission control member (lens – 54) to prevent the emission of light coming from the area of the wavelength converting member (fluorescent plate - 52) that corresponds to the edge area round the recess, LOWERY's emission control member (lens – 54) would have to be of the same outer diameter as the inner diameter of region (50). However, as illustrated in LOWERY's Figure 2, the outer diameter of LOWERY's emission control member (lens – 54) is larger than the inner diameter of region (50). In fact, the

outer diameter of LOWERY's emission control member (lens – 54) is the same as that of the wavelength converting member (fluorescent plate - 52), which are both larger than the inner diameter of region (50). As a result, LOWERY's emission control member (lens – 54) is incapable of preventing the emission of light coming from an area of the wavelength converting member (fluorescent plate – 52) that corresponds to the edge area around the region (50).

In the Final Official Action's "Response to the Arguments" section, the Final Official Action asserts that LOWERY teaches that the emission control member (54) is attached to the wavelength converting member (52), citing LOWERY's Figure 2 and column 6, lines 54-57. This section then reasons that since the emission control member (54) rests on the wavelength converting member (52), that it inherently prevents the emission of light from the area of the wavelength converting member (52) that it rests on. Applicants submit that this logic fails for at least two reasons. First, as stated above, in order for LOWERY's emission control member (lens – 54) to prevent the emission of light coming from the area of the wavelength converting member (fluorescent plate - 52) that corresponds to the edge area round the recess, LOWERY's emission control member (lens – 54) would have to be of the same outer diameter as the inner diameter of region (50), which it does not. Instead, as illustrated in LOWERY's Figure 2, the outer diameter of LOWERY's emission control member (lens – 54) is larger than the inner diameter of region (50).

Secondly, the stated rationale erroneously concludes that since the emission control member (54) rests on the wavelength converting member (52), that it inherently prevents the emission of light from the area of the wavelength converting member (52) that it rests on. Applicants submit that the Final Official Action has provided no evidence that the resting of the

emission control member (lens - 54), which transmits light, on the wavelength converting member (fluorescent plate - 52), which transmits light, would prevent the emission of light.

From the above discussion, Applicants submit that since LOWERY fails to disclose each and every feature recited in claim 1, LOWERY fails to anticipate claim 1. Thus, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Applicants also submit that dependent claims 2 and 4-16 depend either directly or indirectly on independent claim 1 and are patentable for at least the reasons discussed above with regard to claim 1, and for the additional features recited therein. Accordingly, Applicants submit that these claims are not obvious over FUJITA or LOWERY, and thus, respectfully request withdrawal of the 35 U.S.C. § 103 rejections over FUJITA or LOWERY.

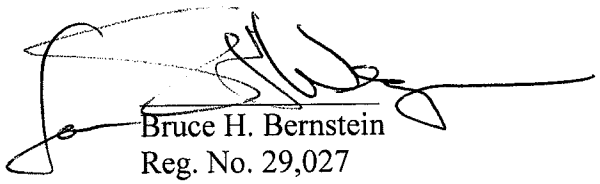
SUMMARY

From the arguments and remarks provided above, Applicants submit that all of the pending claims in the present application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Official Action is respectfully requested and an indication of allowance of claims 1-16 is now believe to be appropriate.

Should any extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Kouji NISHIOKA et al.



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

January 9, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191